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AEROVÍAS DEL CONTINENTE AMERICANO S.A.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

BRYAN GOMEZ, et al.,

Plaintiffs,

V.

AVIANCA, INC., et al.,

Defendants.

Case No. CV 18-9024-GW-MRW_x

**ORDER ON STIPULATION TO
DISMISS COMPLAINT *WITH
PREJUDICE* AS TO EACH
DEFENDANT AND ALL CLAIMS
FOR RELIEF**

Complaint Filed: October 19, 2018

1 **WHEREAS**, Plaintiffs first filed their original Complaint against
2 **AVIANCA, INC.**, a New York corporation; **AEROVÍAS DEL CONTINENTE**
3 **AMERICANO, S.A.** doing business as Avianca and Avianca Airlines, a Colombian
4 corporation; **TACA INTERNATIONAL AIRLINES, S.A.**, formerly known as
5 Transportes Aereos del Continente Americano and doing business as Avianca El
6 Salvador and TACA Airlines, a Salvadorian corporation; **AVIANCA HOLDINGS,**
7 **S.A.**, a Colombian corporation; **SYNERGY GROUP CORP.**, a Brazilian
8 corporation; and **DOES 1 through 10** inclusive on October 19, 2018, stating therein
9 causes of action for Breach of Contract and Conversion;

10 **WHEREAS**, Fed. R. Civ. P. 41(a)(1)(A)(i) permits a Plaintiff to voluntarily
11 dismiss a Complaint upon notice as to any party which has not yet appeared, and
12 indeed on December 19, 2018, the Plaintiffs previously filed a notice of dismissal
13 *without prejudice* as to Defendants **AVIANCA, INC.**; **TACA INTERNATIONAL**
14 **AIRLINES, S.A.**; **AVIANCA HOLDINGS, S.A.**; and **SYNERGY GROUP CORP.**
15 (see Docket No. 20); and

16 **WHEREAS**, Plaintiffs now wish to dismiss those Defendants *with prejudice*.
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18 **FURTHERMORE, WHEREAS**, Fed. R. Civ. P. 41(a)(1)(A)(ii) permits a
19 Plaintiff to voluntarily dismiss a Complaint after a responsive pleading has been filed
20 upon “a stipulation of dismissal signed by all parties who have appeared;”

21 **WHEREAS**, Defendant Aerovías del Continente Americano, S.A. answered
22 and raised certain affirmative defenses to the Complaint on November 15, 2018 (see
23 Docket No. 13) and as such has appeared; and

24 **WHEREAS**, counsel for the parties have met and conferred in good faith to
25 confidentially resolve all issues, if any, raised by the Complaint; and

26 **WHEREAS**, the parties have agreed that a dismissal *with prejudice* as to all
27 Defendants and all causes of action is in the best interests of justice and thus are
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1 willing to stipulate to a full dismissal of the action, with each party to bear its own
2 costs;

3
4 **NOW, THEREFORE,**

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6 **IT IS HEREBY ORDERED** that the entire action, as to all Defendants and as
7 to all claims for relief, is and shall be dismissed *with prejudice* as to all Defendants
8 and as to all claims for relief, with each party to bear its own costs.

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11 Dated: February 5, 2019

12 By: _____


13 Hon. George H. Wu,
14 United States District Judge
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